

Article - Education

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§11-904.

(a) The electronic format of printed instructional material provided by a publisher to the Library for use by a student with a disability under this subtitle shall:

(1) Maintain the structural integrity of the printed instructional material;

(2) Be compatible with commonly used braille translation or speech synthesis software, if necessary; and

(3) Include corrections and revisions as necessary.

(b) If the Library and a publisher cannot in good faith agree on an electronic format that maintains the structural integrity of the printed instructional material as required under subsection (a) of this section, the publisher shall provide the instructional material in an electronic format that maintains as much of the structural integrity of the printed instructional material as possible.

(c) Except as provided in subsection (i) of this section, the Library or institution shall submit to a publisher a written request for an electronic format of instructional material that includes:

(1) Certification that the institution has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend the institution has purchased the instructional material;

(2) Certification that the student has a disability that prevents the student from using standard instructional materials;

(3) Certification that the electronic format of the printed instructional material will be used by a student in connection with a course in which the student is registered or enrolled at the institution; and

(4) The signature of the individual designated by the Library or institution to request the electronic format of the instructional material under this subtitle.

(d) On receipt of a written request under subsection (c) of this section, the publisher shall provide the Library with the electronic format of the printed instructional material at no additional cost and in a timely manner.

(e) Except as provided in subsection (i) of this section, a publisher receiving a written request under subsection (c) of this section may require the Library to provide the publisher with a copy of an agreement that:

(1) States that the student requesting and using the electronic format of the instructional material provided by the publisher will use the material solely for the student's personal educational use;

(2) States that the student has agreed not to copy, duplicate, or distribute the electronic copy of the instructional material for use by other individuals; and

(3) Is signed by the student requesting and using the electronic copy.

(f) (1) If the Library or an institution permits a student to directly use the electronic format of the instructional material, the Library or institution shall take the following steps to protect the electronic copy from duplication and distribution in violation of the Copyright Revisions Act of 1976:

(i) The disk or file shall be copy-protected or contain other reasonable security measures; and

(ii) The Library or institution shall require a student using the electronic copy to sign the agreement under subsection (e) of this section.

(2) An institution may not make the electronic format of the instructional material available on a server unless the following security measures are followed:

(i) A security process, including an identification and password system, is installed to permit only authorized students with disabilities access to the protected materials; and

(ii) Other technical security measures are installed to prevent a student from downloading the electronic format of the instructional material unless the student has signed the agreement under subsection (e) of this section.

(3) A publisher may install technical security measures to prevent the unauthorized copying, modification, distribution, or use of the electronic format

of the instructional material if the security measures do not interfere with the student's use of electronic copy.

(g) (1) The Library, an institution, or any component of an institution shall notify the publisher each time the Library, institution, or a component of the institution intends to duplicate an electronic format or a specialized format produced from the electronic format for use of the protected material by other students with disabilities.

(2) For each additional student for whom the Library, an institution, or a component of an institution intends to duplicate an electronic format under paragraph (1) of this subsection, the Library, institution, or component of an institution shall follow the request procedures in this section.

(h) (1) An institution may assist a student with a disability to transcribe or arrange for the transcription of printed instructional material into braille using the electronic format of the instructional material.

(2) If a braille copy is transcribed under paragraph (1) of this subsection, the institution shall have the right to share the braille copy of the printed instructional material with other students with disabilities at the institution.

(i) (1) A member of the faculty of an institution of higher education may request from the Library instructional materials in an electronic format.

(2) For a request on behalf of a faculty member, the Library is not required to provide to a publisher the certifications specified under subsection (c) of this section.

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